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6 Honorable Benjamin H. Settle
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10 UNITED STATES DISTRICT COURT
11 WESTERN DISTRICT OF WASHINGTON
12 AT TACOMA
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15 NORTHWEST SCHOOL OF SAFETY, a
16 Washington sole proprietorship, PUGET
17 SOUND SECURITY, INC., a Washington
corporation, PACIFICA NORTHWEST
ASSOCIATION OF INVESTIGATORS, INC.,
a Washington corporation, FIREARMS
ACADEMY OF SEATTLE, INC., a
Washington corporation, DARRYL LEE, XEE
DEL REAL, JOE WALDRON, GENE
HOFFMAN, ANDREW GOTTLIEB, ALAN
GOTTLIEB, GOTTLIEB FAMILY
REVOCABLE LIVING TRUST, a Washington
trust, and SECOND AMENDMENT
FOUNDATION, a non-profit organization,

18 Plaintiffs,
19
20 v.
21
22 BOB FERGUSON, Attorney General of
23 Washington (in his official capacity),
24 WASHINGTON ATTORNEY GENERAL'S
OFFICE, and JOHN R. BATISTE, Chief of the
25 Washington State Patrol (in his official
capacity), and DOES I-V,
26

Defendants.

No. 3:14-cv-6026 BHS
INTERVENOR-DEFENDANTS'
ANSWER TO COMPLAINT

INTERVENOR-DEFENDANTS' ANSWER TO
COMPLAINT - 1
Case No. 3:14-cv-6026 BHS

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1 Intervenor-Defendants Cheryl Stumbo, Washington Alliance for Gun Responsibility, and
2 Everytown For Gun Safety Action Fund for I-594 (collectively, "Intervenor-Defendants")
3 answer the Complaint of Northwest School of Safety, Puget Sound Security, Inc., Pacific
4 Northwest Association of Investigators, Inc., Firearms Academy of Seattle, Inc., Darryl Lee, Xee
5 Del Real, Joe Waldron, Gene Hoffman, Andrew Gottlieb, Alan Gottlieb, Gottlieb Family
6 Revocable Living Trust, and Second Amendment Foundation (collectively, "Plaintiffs") as
7 follows:

9 INTRODUCTION

10 1. The allegations in paragraph 1 attempt to characterize the contents of the
11 Complaint, to which Intervenor-Defendants answer that the document speaks for itself and
12 therefore deny the same.

13 2. The allegations in paragraph 2 constitute legal conclusions to which no response
14 is required. To the extent an answer is deemed required, Intervenor-Defendants deny the
15 allegations in paragraph 2.

16 3. The allegations in the first two sentences of paragraph 3 constitute legal
17 conclusions to which no response is required. To the extent an answer is deemed required,
18 Intervenor-Defendants deny the allegations in the first two sentences of paragraph 3. Intervenor-
19 Defendants lack sufficient information upon which to admit or deny the allegations in the third
20 sentence of paragraph 3, which shall have the effect of a denial.

21 22 4. The allegation in paragraph 4 constitutes a legal conclusion to which no response
23 is required. To the extent an answer is deemed required, Intervenor-Defendants deny the
24 allegation in paragraph 4.

THE PARTIES

5. Intervenor-Defendants lack sufficient information upon which to admit or deny the allegations in paragraph 5, which shall have the effect of a denial.

6. The allegations in the second sentence of paragraph 6 constitute legal conclusions to which no response is required. To the extent an answer is deemed required, Intervenor-Defendants deny the allegations in the second sentence of paragraph 6. Intervenor-Defendants lack sufficient information upon which to admit or deny the remaining allegations in paragraph 6, which shall have the effect of a denial.

7. The allegations in the third and fourth sentences of paragraph 7 constitute legal conclusions to which no response is required. To the extent an answer is deemed required, Intervenor-Defendants deny the allegations in the third and fourth sentences of paragraph 7. Intervenor-Defendants lack sufficient information upon which to admit or deny the remaining allegations in paragraph 7, which shall have the effect of a denial.

8. Intervenor-Defendants lack sufficient information upon which to admit or deny the allegations in paragraph 8, which shall have the effect of a denial.

9. Intervenor-Defendants lack sufficient information upon which to admit or deny the allegations in paragraph 9, which shall have the effect of a denial.

10. The allegations in the fifth sentence of paragraph 10 contain legal conclusions to which no response is required. To the extent an answer is deemed required, Intervenor-Defendants deny the allegations in the fifth sentence of paragraph 10. Intervenor-Defendants lack sufficient information upon which to admit or deny the remaining allegations in paragraph 10, which shall have the effect of a denial.

1 11. The allegations in the fifth and eighth sentences of paragraph 11 contain legal
 2 conclusions to which no response is required. To the extent an answer is deemed required,
 3 Intervenor-Defendants deny the allegations in the fifth and eighth sentences of paragraph 11.
 4 Intervenor-Defendants lack sufficient information upon which to admit or deny the remaining
 5 allegations in paragraph 11, which shall have the effect of a denial.
 6

7 12. The allegations in the fourth sentence of paragraph 12 contain legal conclusions to
 8 which no response is required. To the extent an answer is deemed required, Intervenor-
 9 Defendants deny the allegations in the fourth sentence of paragraph 12. Intervenor-Defendants
 10 lack sufficient information upon which to admit or deny the remaining allegations in paragraph
 11 12, which shall have the effect of a denial.
 12

13 13. The allegations in the fourth sentence of paragraph 13 contain legal conclusions to
 14 which no response is required. To the extent an answer is deemed required, Intervenor-
 15 Defendants deny the allegations in the fourth sentence of paragraph 13. Intervenor-Defendants
 16 lack sufficient information upon which to admit or deny the remaining allegations in paragraph
 17 13, which shall have the effect of a denial.
 18

19 14. The allegations in the fourth sentence of paragraph 14 contain legal conclusions to
 20 which no response is required. To the extent an answer is deemed required, Intervenor-
 21 Defendants deny the allegations in the fourth sentence of paragraph 14. Intervenor-Defendants
 22 lack sufficient information upon which to admit or deny the remaining allegations in paragraph
 23 14, which shall have the effect of a denial.
 24

25 15. Intervenor-Defendants lack sufficient information upon which to admit or deny
 26 the allegations in paragraph 15, which shall have the effect of a denial.

1 16. Intervenor-Defendants admit that Bob Ferguson is the Attorney General of the
2 State of Washington. The remainder of paragraph 16 contains allegations as to which
3 Intervenor-Defendants lack sufficient information upon which to admit or deny, or allegations
4 that constitute legal conclusions to which no response is required, which shall have the effect of
5 a denial.

6 17. Intervenor-Defendants admit that the Washington Attorney General's Office is an
7 agency of the State of Washington, headed by the Attorney General. The remaining allegations
8 in paragraph 17 constitute legal conclusions to which no response is required. To the extent an
9 answer is deemed required, Intervenor-Defendants deny the remaining allegations in paragraph
10 17.

12 18. Intervenor-Defendants admit that John R. Batiste is Chief of the Washington State
13 Patrol. The remainder of paragraph 18 contains allegations as to which Intervenor-Defendants
14 lack sufficient information upon which to admit or deny, or allegations that constitute legal
15 conclusions to which no response is required, which shall have the effect of a denial.

17 19. Intervenor-Defendants lack sufficient information upon which to admit or deny
18 the allegations in the first two sentences of paragraph 19, which shall have the effect of a denial.
19 Intervenor-Defendants deny the third sentence of paragraph 19, as the Federal Rules of Civil
20 Procedure govern the amendment of pleadings.

22 20. Paragraph 20 requires no response. Intervenor-Defendants lack sufficient
23 information upon which to admit or deny the allegations in the footnote to paragraph 20, which
24 shall have the effect of a denial.

JURISDICTION AND VENUE

21. The allegation in paragraph 21 constitutes a legal conclusion, to which no response is required. To the extent an answer is deemed required, Intervenor-Defendants deny the allegation in paragraph 21.

22. The allegation in paragraph 22 constitutes a legal conclusion, to which no response is required. To the extent an answer is deemed required, Intervenor-Defendants deny the allegations in paragraph 22.

23. The allegation in paragraph 23 constitutes a legal conclusion, to which no response is required. To the extent an answer is deemed required, Intervenor-Defendants deny the allegation in paragraph 23.

STATEMENT OF FACTS

I-594

Enactment of I-594

24. Intervenor-Defendants admit that I-594 went into effect on December 4, 2014. To the extent the allegation in paragraph 24 attempts to characterize the provisions of I-594, Intervenor-Defendants answer that those provisions speak for themselves and therefore deny the same.

25. To the extent the allegations in paragraph 25 attempt to characterize the provisions of I-594, Intervenor-Defendants answer that those provisions speak for themselves and therefore deny the same. Intervenor-Defendants admit that the language of I-594 contains, in part, the language quoted in subsections (a) and (b) of paragraph 25, with the exception that

the quote in paragraph 25(b) includes a comma between the words “payment” and “including” that is not included in I-594’s original language.

Interpretation and Enforcement of I-594

26. Intervenor-Defendants admit that the Washington State Patrol issued a statement regarding I-594. The remaining allegations in paragraph 26 attempt to characterize the contents of that statement, to which Intervenor-Defendants answer that the statement speaks for itself and therefore deny the same.

27. Intervenor-Defendants admit that the Washington Department of Fish and Wildlife issued a statement regarding I-594. The remaining allegations in paragraph 27 attempt to characterize the contents of that statement, to which Intervenor-Defendants answer that the statement speaks for itself and therefore deny the same.

28. Intervenor-Defendants admit that the Washington Department of Licensing issued a statement regarding I-594. The remaining allegations in paragraph 28 attempt to characterize the contents of that statement, to which Intervenor-Defendants answer that the statement speaks for itself and therefore deny the same.

29. Intervenor-Defendants lack sufficient information upon which to admit or deny the allegations in paragraph 29, which shall have the effect of a denial.

Washington's Firearm Licenses

30. The allegation in paragraph 30 constitutes a legal conclusion to which no response is required. To the extent an answer is deemed required, Intervenor-Defendants deny the allegation in paragraph 30.

31. Intervenor-Defendants lack sufficient information upon which to admit or deny the allegation in paragraph 31 regarding firearm licenses relevant to Plaintiffs, which shall have the effect of a denial. The remainder of paragraph 31 constitutes a legal conclusion to which no response is required. To the extent an answer is deemed required, Intervenor-Defendants deny the allegation in paragraph 31.

CPL

32. The allegations in paragraph 32 constitute legal conclusions to which no response is required. To the extent an answer is deemed required, Intervenor-Defendants deny the allegations in paragraph 32. Further, to the extent the allegations in paragraph 32 attempt to characterize the provisions of the RCW, Intervenor-Defendants answer that those provisions speak for themselves and therefore deny the same.

Washington Armed Private Security Guard and Private Investigator Licenses

33. The allegations in paragraph 33 constitute legal conclusions to which no response is required. To the extent an answer is deemed required, Intervenor-Defendants deny the allegations in paragraph 33. To the extent the allegations in paragraph 33 attempt to characterize the provisions of the RCW, Intervenor-Defendants answer that those provisions speak for themselves and therefore deny the same.

34. The allegations in paragraph 34 constitute legal conclusions to which no response is required. To the extent an answer is deemed required, Intervenor-Defendants deny the allegations in paragraph 34. Further, to the extent the allegations in paragraph 34 attempt to characterize the provisions of the RCW, Intervenor-Defendants answer that those provisions speak for themselves and therefore deny the same.

35. The allegations in paragraph 35 constitute legal conclusions to which no response is required. To the extent an answer is deemed required, Intervenor-Defendants deny the allegations in paragraph 35. Further, to the extent the allegations in paragraph 35 attempt to characterize the provisions of the RCW, Intervenor-Defendants answer that those provisions speak for themselves and therefore deny the same.

Federal Law Enforcement Officers' Safety Act

36. The allegations in paragraph 36 constitute legal conclusions to which no response is required. To the extent an answer is deemed required, Intervenor-Defendants deny the allegations in paragraph 36. Further, to the extent the allegations in paragraph 36 attempt to characterize the provisions of 18 U.S.C. § 926C and the RCW, Intervenor-Defendants answer that those provisions speak for themselves and therefore deny the same.

I-594's Infringement on Constitutional Rights

Second Amendment

37. The allegations in paragraph 37 constitute legal conclusions to which no response is required. To the extent an answer is deemed required, Intervenor-Defendants deny the allegations in paragraph 37.

38. The allegations in the first and third sentences of paragraph 38 constitute legal conclusions to which no response is required. To the extent an answer is deemed required, Intervenor-Defendants deny the allegations in the first and third sentences of paragraph 38. Intervenor-Defendants lack sufficient information upon which to admit or deny the allegations in the second sentence of paragraph 38, which shall have the effect of a denial.

39. The allegations in paragraph 39 constitute legal conclusions to which no response is required. To the extent an answer is deemed required, Intervenor-Defendants deny the allegations in paragraph 39.

40. The allegations in paragraph 40 constitute legal conclusions to which no response is required. To the extent an answer is deemed required, Intervenor-Defendants deny the allegations in paragraph 40.

41. The allegations in the first, second, third, and fifth sentences of paragraph 41 constitute legal conclusions to which no response is required. To the extent an answer is deemed required, Intervenor-Defendants deny the allegations in the first, second, third, and fifth sentences of paragraph 41. Intervenor-Defendants lack sufficient information upon which to admit or deny the allegations in the fourth sentence of paragraph 41, which shall have the effect of a denial.

42. The allegations in paragraph 42 constitute legal conclusions to which no response is required. To the extent an answer is deemed required, Intervenor-Defendants deny the allegations in paragraph 42.

43. The allegation in paragraph 43 constitutes a legal conclusion to which no response is required. To the extent an answer is deemed required, Intervenor-Defendants deny the allegation in paragraph 43.

Vagueness

44. The allegation in paragraph 44 constitutes a legal conclusion to which no response is required. To the extent an answer is deemed required, Intervenor-Defendants deny the allegation in paragraph 44.

45. Intervenor-Defendants lack sufficient information upon which to admit or deny the allegations in paragraph 45 regarding Plaintiffs' understanding of I-594, which shall have the effect of a denial. Further, the allegations in paragraph 45 constitute legal conclusions to which no response is required. To the extent an answer is deemed required, Intervenor-Defendants deny the allegations in paragraph 45.

46. Intervenor-Defendants lack sufficient information upon which to admit or deny the allegations in paragraph 46 regarding Plaintiffs' understanding of I-594, which shall have the effect of a denial. Further, the allegations in paragraph 46 constitute legal conclusions to which no response is required. To the extent an answer is deemed required, Intervenor-Defendants deny the allegations in paragraph 46.

47. Intervenor-Defendants lack sufficient information upon which to admit or deny the allegations in paragraph 47, which shall have the effect of a denial.

48. The allegations in paragraph 48 constitute legal conclusions to which no response is required. To the extent an answer is deemed required, Intervenor-Defendants deny the allegations in paragraph 48.

CAUSES OF ACTION

**Count I – Right to Keep and Bear Arms – U.S. Constitution, Amendments II and XIV;
WA Constitution, Art. I, Section 24, and 42 U.S.C. § 1943**

49. Intervenor-Defendants incorporate their answers as set forth above.

50. Intervenor-Defendants admit that the first sentence of paragraph 50 accurately quotes the Second Amendment of the United States Constitution. To the extent the allegations in sentences two through five of paragraph 50 attempt to characterize the *District of Columbia v. Heller* and *Peruta v. County of San Diego* cases, Intervenor-Defendants answer that those cases

1 speak for themselves and therefore deny the same. Further, any characterization of those cases
2 constitutes a legal conclusion to which no response is required. The allegation in the final
3 sentence of paragraph 50 constitutes a legal conclusion to which no response is required. To the
4 extent an answer is deemed required, Intervenor-Defendants deny the allegation in the final
5 sentence of paragraph 50.

6 51. The allegation in paragraph 51 constitutes a legal conclusion to which no
7 response is required. To the extent an answer is deemed required, Intervenor-Defendants deny
8 the allegation in paragraph 51.

9 52. The allegation in paragraph 52 constitutes a legal conclusion to which no response
10 is required. To the extent an answer is deemed required, Intervenor-Defendants deny the
11 allegation in paragraph 52. Intervenor-Defendants deny that the quote from Article I, Section 24
12 of the Washington State Constitution is accurate.

13 53. The allegations in paragraph 53 constitute legal conclusions to which no response
14 is required. To the extent an answer is deemed required, Intervenor-Defendants deny the
15 allegations in paragraph 53.

16 54. The allegations in paragraph 54 constitute legal conclusions to which no response
17 is required. To the extent an answer is deemed required, Intervenor-Defendants deny the
18 allegations in paragraph 54.

19 55. The allegations in paragraph 55 constitute legal conclusions to which no
20 response is required. To the extent an answer is deemed required, Intervenor-Defendants deny
21 the allegations in paragraph 55.

Count II – Void for Vagueness –

56. Intervenor-Defendants incorporate their answers as set forth above.

57. The allegations in paragraph 57 constitute legal conclusions to which no response is required. To the extent an answer is deemed required, Intervenor-Defendants deny the allegations in paragraph 57.

58. Intervenor-Defendants admit that paragraph 58 accurately quotes Article I, Section 3 of the Washington State Constitution. The remainder of paragraph 58 constitutes a legal conclusion to which no response is required. To the extent an answer is deemed required, Intervenor-Defendants deny the allegation in paragraph 58.

59. The allegations in paragraph 59 constitute legal conclusions to which no response is required. To the extent an answer is deemed required, Intervenor-Defendants deny the allegations in paragraph 59.

60. The allegations in paragraph 60 constitute legal conclusions to which no response is required. To the extent an answer is deemed required, Intervenor-Defendants deny the allegations in paragraph 60.

PRAYER FOR RELIEF

No response is required to Plaintiffs' prayer for relief. To the extent that a response may be deemed to be required, Intervenor-Defendants deny that Plaintiffs' allegations are proper or that they are entitled to any of the relief they seek.

Any allegation set forth in the Complaint not specifically admitted in the Answer is denied.

Intervenor-Defendants' Affirmative Defenses

1. Plaintiffs fail to state a claim upon which relief can be granted.
2. Plaintiffs lack standing to bring this action.
3. Plaintiffs' claims are not ripe for review.
4. Plaintiffs fail to set forth irreparable harm or any other basis on which to grant injunctive relief.

5. Intervenor-Defendants reserve the right to assert additional defenses, counterclaims, cross claims, or third-party claims as this matter progresses.

Intervenor-Defendants' Request for Relief

Having fully answered Plaintiffs' Complaint and having asserted affirmative defenses, Intervenor-Defendants respectfully request the following relief:

1. Judgment in favor of Defendants and Intervenor-Defendants dismissing all of Plaintiffs' claims and requests for relief.
2. Any further relief that this Court deems just and equitable.

DATED this 27th day of March, 2015.

DATED this 27th day of March, 2015.

PACIFICA LAW GROUP LLP

By /s/ Gregory J. Wong

Paul J. Lawrence, WSBA #13557

Gregory J. Wong, WSBA # 39329

Sarah S. Washburn, WSBA # 44418

Attorneys for Intervenor-Defendants Cheryl Stumbo, Washington Alliance for Gun Responsibility, and Everytown for Gun Safety Action Fund for I-594

1
2 **CERTIFICATE OF SERVICE**
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5 I hereby certify that on this 27th day of March, 2015, I electronically filed the foregoing
6 document with the United States District Court ECF system, which will send notification of such
7 filing to the following:
8

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27
28 *Attorneys for Defendants*

29
30 Signed at Seattle, Washington this 27th day of March, 2015.

31
32 
33 Katie Dillon